

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DARRELL WILLIAMS,	:	CIVIL ACTION NO. 1:21-CV-611
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
BRADLEY WARDEN,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 16th day of June, 2021, upon consideration of the report (Doc. 5) of Magistrate Judge Martin C. Carlson, recommending that the court deny petitioner Darrell Williams’ petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2241 for lack of jurisdiction, and it appearing that Williams has not objected to the report,¹ see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long

¹ Williams filed a premature notice of appeal on April 14, 2021, within the 14-day objection period. (See Doc. 8); see also M.D. PA. L.R. 72.3. Williams’ appeal was dismissed on May 26, 2021, pursuant to Federal Rule of Appellate Procedure 42(b). (See Doc. 9); see also FED. R. APP. P. 42(b). Williams has not filed objections in the time since his appeal was dismissed. We do not construe the summary of Williams’ legal position set forth in his notice of appeal as an objection; we note only that, even if so construed, the legal arguments raised therein are beyond this court’s jurisdiction for the reasons set forth by Judge Carlson.

Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court agreeing with Judge Carlson’s analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby

ORDERED that:

1. Magistrate Judge Carlson’s report (Doc. 5) is ADOPTED.
2. Williams’ petition (Doc. 1) for writ of habeas corpus is DENIED for lack of jurisdiction without prejudice to Williams’ right to seek leave from the Eighth Circuit Court of Appeals to present this issue in a second or successive motion under 28 U.S.C. § 2255.
3. The Clerk of Court shall CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania